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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,774	03/03/2004	Kishiko Maruyama	500.43576X00/W4158-01EN	3222

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EXAMINER

TO, TUAN C

ART UNIT PAPER NUMBER

3663

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,774

Applicant(s)

MARUYAMA ET AL.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
7) ☒ Claim(s) 8 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/03/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 11, and 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Endo et al. (US 6169552B1).

With respect to claim 1, Endo et al. direct to a navigation system for detecting a position of a vehicle via a GPS receiver (9) (Endo et al., figure 2) and displaying a road map of area of the detected vehicle position with a mark indicative of the vehicle position and a route leading from said mark to a destination mark G (Endo et al., figure 21B, vehicle position mark 2007). The navigation system as taught by Endo et al. includes a display unit (2) (Endo et al., figure 2) as a means for displaying a road map of a predetermined area which is requested by a user (Endo et al., column 12, lines 1-6). As set forth in column 12, lines 1-13, Endo et al. further teach: “the road map discussed above can be displayed by properly selecting display contents of two-dimensional map”. Either two-dimensional display or three-dimensional bird’s eye view display can be selected according to a user’s request. It should be noted the road map discussed

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herein above can be viewable in two-dimensional map including a main route as a vehicle running route (Endo et al, figure 28A, window 2123 shows a two-dimensional map with vehicle running route to destination G).

With regard to claim 2, Endo et al. further teach that a land mark specified by the user by via the user's request and that the land mark is displayed in the road map such as a map of route including the vehicle position or a destination mark which are previously inputted (Endo et al., column 10, lines 46-55).

With regard to claim 11, the vehicle position as taught in Endo et al. is determined via the GPS receiver (9) and the vehicle position's mark is displayed in the road map (Endo et al., column 8, lines 47-59; column 16, lines 12-19).

With regard to claim 12, as clearly shown in figure 28A, either the two-dimensional or three-dimensional display shows the road map are displayed as made linear and roads which meet at an intersection are displayed as made orthogonal to each other.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim 9 is rejected under 35 U.S.C. 102 (b) as being anticipated by Yamashita et al. (US 20020053984A1).

Yamashita et al. disclose another navigation system/method comprising the position detection (4) for acquiring the current position of a vehicle (Yamashita et al., page 4, paragraph 0055), the input part (1) such as a keyboard, a mouse, etc that are

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operated by a user for inputting a target position (Yamashita et al., page 3, paragraph 0053), the route searching part (3) is provided for searching a route along which the vehicle is to run on the basis of the acquired current vehicle position and the inputted target position (Yamashita et al, page 4, paragraph 0056), the display device is for displaying a map of running route from the current vehicle position to a main intersection (Yamashita et al., paragraphs 0011, 0013). Yamashita et al. clearly disclose that the position detection (4) determines the vehicle position when the vehicle arriving at a location, and the route search part (3) searches a map data that covers an area of departure point and destination (Yamashita et al, page 4, paragraph 0057).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (US 6169552B1) and in view of Sato et al. (US 20020188400A1)

As represented herein above, the navigation system and map display of Endo et al. including a GPS receiver (9) (Endo et al., figure 2, GPS receiver 9) and displaying a road map of area of the detected vehicle position with a mark indicative of the vehicle position and a route leading from said mark to a destination mark G (Endo et al., figure 21B, vehicle position mark 2007), wherein said road map can be viewable in two-dimensional (Endo et al, column 12, lines 1-13). And said navigation system further includes a route calculator (42) (Endo et al., figure 4) for searching a route connecting between a specified points (Endo et al., column 10, lines 57-64) as being set by a user.

Endo et al. do not disclose the following: "means for displaying a summary road map in which the searched route is expressed by a broken line".

The U.S. reference to Sato et al. has been provided to overcome the missing feature from Endo et al. by teaching a navigation system/method wherein a route guidance to a destination is performed and displayed the display unit (8) (Sato et al., abstract; figure 1, display 8) and that the guided route is expressed by a broken line (see figure 4, CM is represented as a current vehicle position, route GR1 is represented as a broken line).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Endo et al. to include the teachings as taught by Sato et al. to gain advantage therefore (i.e., making a vehicle user more concentration on the displayed route which also indicates the vehicle is deviating from an optimum route).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (US 6169552B1), Sato et al. (US 20020188400A1), and further in view of Hirota et al. (US 5568390A).

As previously presented, the combination of Endo et al. and Sato et al. addresses the limitation of claim 3. Sato et al. further teach that when the vehicle enter a minor street, the controller (17) resets the current vehicle location and then the controller (17) searches again for another route to the original destination (Sato et al., page 3, paragraph 0033).

As seen in Endo et al. and Sato et al. the searching means is provided for searching for a route from a current vehicle position to a destination, and displaying the searched route via a display device. Neither Endo et al. nor Sato et al. discloses the following: "display means displays all the other routes searched by said searching means by simplified broken lines".

The reference to Hirota et al. is directed to another navigation system for carrying out a route search and displaying the searched routes (Hirota et al., abstract) that have been shown in the display (24) (Hirota et al., figure 1). In addition, the figure 3 shows that the reachable routes are shown by solid lines while the other routes are shown by broken lines (Hirota et al., column 7, lines 43-49). While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Endo et al., and Sato et al. to include the teachings as taught by Hirota et al. to gain advantage therefore (i.e., a user is easily to recognize the boundary of the searched area retrieved from the desired input of a user; In addition, the user can be able to recognize the main road and recommended route located within a predetermined distance from the current vehicle position).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (US 6169552B1), Sato et al. (US 20020188400A1), and further in view of Hikita et al. (US 5892463A).

With regard to claim 5, Endo et al. and Sato et al. are both addressing the traffic receiving means for receiving traffic information from a beacon transmitter. Neither Endo et al. nor Sato et al. is teaching the traffic information that is displayed on a summary road map with respect to the corresponding route displayed.

The reference to Hikita et al. has been provided to overcome the missing from Endo et al. and Sato et al. by teaching a mobile navigation system, wherein the traffic information receiving unit (13) (Hikita et al., figure 2) receiving the traffic information from a bacon transmitter installed along a road (Hikita et al., column 4, lines 1-13). The traffic information, such as traffic jam region or the traffic restriction region, are presented within the searched route (Hikita et al., column 6, lines 7-15) and that the route searched is displayed on the display unit (14) of the navigation system (Hikita et al., figure 2).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Endo et al., and Sato et al. to include the teachings as taught by Hikita et al. so that a vehicle user may change the current running plan to another by selecting another optimum route proximity to the current position of the vehicle. Therefore, the user can reach the destination on time as planned.

With regard to claim 6, Hikita et al. disclose a detour route from a present position of the vehicle up to a target place is displayed (Hikita et al., column 9, lines 53-58).

With regard to claim 7, referring to figure 11 of Hikita et al, there is a flow chart showing when the traffic information received by the receiving means, the time required for the detour route taken and the time required for the traffic jam or restriction region are compared, if the time required for the detour is less than the time required for traffic jam or restriction region, the display displays the detour route up to destination,

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otherwise the display displays the route searched at step (303) on the display unit (Hikita et al., figure 11). Thus, the display unit is changed mode to display the detour route with the road map as now claimed.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al. (US 20020053984A1) and in view of Sakamoto et al. (US 20030191585A1).

Yamashita et al. is directed to a navigation system as represented above herein, however, Yamashita et al. do not disclose that "said predetermined range is broader than a display range of a magnified road map displayed for said main intersection".

Sakamoto et al. teach a navigation system, in which the map image M1, shown in figure 9, is within a predetermined range is broader than the display of map image M2 as shown in figure 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Yamashita et al. to include the teachings as taught by Sakamoto et al. to gain advantage therefore (i.e., a vehicle user change a view mode from a general view to a view of details, therefore, a minor road or a location that previously be disappeared as now could be possibly retrieved for viewing).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

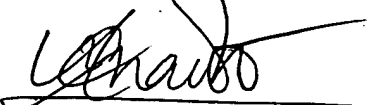
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', written over a horizontal line.

Tuan C To

October 03, 2005